Preserve

App. F. IX-4

192 |.

File No. 77-27

Previous References

LB 77-27 | 88 182 (LB

Serial Nos. 3 & 4

Later References

Mmg 183-23-3-16 ex. 517
RDH · 90 · MST-60
-- 8 · MAP-82

General and Revenue Secretariat.

Serial Nos. 3 & 4

Part B for June 1928

SUBJECT

Payment of a portion of the realisation from Dada's Rao's Chattram at Chintamani for the upkeep of the temples attached to the Chattram

To The Revd. Dl. Bd Collr
~~Dc~~ · Collr
Compltr & Mmg. Comm

G.O L. 8595-8 Dy 2-6-28

Orders that the Chattram may be handed over to the Mmg. Deptt & rent realised will be devoted solely for the use of the temples

81.4

WTS 28/6/28

General and Revenue Secretariat. | LB File No. 77 of 1927

Serial No. 3

The Pres.t Dt.s Collr No OC 507 & 6 /28
Reports how it has become necessary
for the Distt Bd. to assign a portion
of the realisations from Dade Rao's
Chattram at Chittamani for the
upkeep of the temples attached
to the Chattram.
Subj.t! This question has been
discussed in LB 77-27 (Sls 1+2)
2 It has there been ordered that
appropriation of distt funds for
Muzrai purposes is Ultra Vires.
Flag A. Vide Legal Remembrancer's notes in the
file post up.
3 In the Sriputur Case referred to by the
Pres.t 1/4th of the local market Collections
have been assigned to the temple. Sec.t
45(c) of the Distt Bd.s Regs.s appears to permit
utilisation of Distt funds for the maintenance
of schools &c, & Sec.n "Public institutions" & the
Construction & repair of all buildings
connected with these institutions.
4 The Case of Dade Rao's Chattram is
peculiar. It is a chattram built from
private funds with temples attached to it.
The maintenance of the Chattram has been
transferred by Govt. to the Local Funds in

NOTE.—Contn. sheet.

WD. 0324—G.P.B.—60,000—24-5-27

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No. 20791-34/L&S 345-92 915 0/93.-

5 It is now for orders whether,

1) the case does not fall under 45(c) of the Instt. Regn. so that it may be permissible to utilise D. B funds for the maintenance of the temples - & if this is not so whether

2) under the peculiar circumstances of the case the Bd. may not be permitted as a Spl. Case to deduct ½ the rent from the chattram for the upkeep of the temples.

6 If necessary the Legal Remembrancer will have to be consulted again:

Draft 4/2 7 The case in question seems to be one of trust & if so the conditions of trust have to be fulfilled. The connected records seem to be necessary to give an opinion on the point & incidentally a question seems to arise whether the Board could accept such trusts and what should be done in respect of past trusts.

8 If the Committee thinks may be called for a report whether the maintenance of the temples was one of the functions of the Board

M.D. 8/2

NOTE—Contn. sheet

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General and Revenue Secretariat.

L3 File No. 77 of 1927.

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Subd Kind reference is invited to para 3 of the note to L3 77-27 - Connected records to throw light as to the specific conditions under which the Chattram & its adjunct came into the possession of the Local Funds are have been reported as not available -

10 The following facts seem to be pertinent for ~~the solution~~ arriving at a decision :—

1) ~~By the 1st~~ The chattram was originally being carried out & from the income the temples were being maintained -

2) Latterly the chattram appears to have been neglected and 1st in June 1893 appears to have (the chattram for maintenance by the Local Funds dept (transferred)

3) Large sums from Distt Funds were spent to renovate the chattram & certain ryots are located there yielding rent -

4) The Tq Bd when it was in existence agreed to pay the entire rent for the upkeep of the temples as desired by the Dharmadarsis.

5) The Distt Bd are agreeable only to give a ½ half of this income on the ground that for the amounts they have invested they are to participate in the income also -

11) These facts lead to the inference that the ~~the~~ chattram with its adjunct, the

Para 8 Flag Z

P. W. D. Z

Para 8 Flag Z

Para 7 Flag Z

Para 8 Flag Z

NOTE—Contn. sheet.

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temples passed to the Local Fund as a trust

and that the temples have to be maintained

by that Body from out of the chattram

realisations less what is necessary for

the upkeep of the chattram —

It will be observed in para 11 of the

Note to M.S. 77-27 (Hays) that the Bd.

cannot spend its money on Muzrai

purposes. But as the income from

the chattram under the Spl. Circumstances

cannot be construed as Distt Bd. funds.

it ~~follows~~ would appear that the chattram

should be considered as a trust property

the proceeds whereof should be utilised only

for the purposes for which the trust was

intended. If this view be accepted

the Distt Bd will be liable to pay the whole

of the Chattram income to the temples

deducting only what is perhaps necessary

for the upkeep of the chattram —

13 If the Distt Bd should find it hard

to accept these conditions it is for

consideration whether the chattram

may not, if the Muzrai Deptt is

agreeable, be transferred to that Deptt

for carrying out the purposes of the trust

~~to which Deptt is agreeable~~

Sd

or if the Agriculture Dept. is not prepared to take over the temples

NOTE—Contn. sheet.

WD 0324—GPR—50,000—24-5-27

10/2

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9e F.

My Rt. Dade Asst Chatham at Chittagong, Mr Law Asst has stated that the funds of the D.C. cannot be utilised for Mosquito purposes as it is not a purpose named in the Dist Bd Regulation.

(2) The Dist Bd has asked for reconsideration of the above view. As stated in the note above, the proposal has departed from the Dist Bd subject to certain changes. It seems that if under the Dist Bd Regulations the D.C. cannot undertake such objects then they will have to surrender the Govt Deptt perhaps. As the Law Asst has given an opinion in this case, this will be sent to that Asst again for favour of opinion with reference to the point raised above.

6544 11/2

First Member

11/2

(6) Please pursue the G.O. of 5th June 27 referred to and also the Budget re Govt's note how these were saved.

Asst 12/2/28

Saved in the G.O. of 8th June 1928 is put up. Mr Chatham

Hay W.

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

D 3285

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of a fourth of the market Collection ~~has~~ ~~sanctioned~~ to the local temple was sanctioned as the Distt Bd ~~under~~ Constituted under the New Regn was agreeable to this allotment — the question whether Distt Bd funds could be utilised for Muzrai purposes did not occur at the time of issuing the G.O. of 8/6/27 for consideration & the Legal Remembrancer was not consulted.

Flag W

18) As noted already it is not clear why a temple is not a "Public Institution" falling within the purview of Sec 45(c) of the Distt Bd Regn upon the maintenance of which a Distt Bd ~~shall if it has funds~~ may incur expenditure if it has funds

19) Under C X(3) in the Budget ~~for~~ there is a head Allowance to Sri Narasimha Swami temple at Gour. no allotment of funds was proposed & no sanction to expend money on this item has been accorded. Such a heading has been in existence for some time. This item will if approved be ordered to be deleted in future budgets.

Flag X

6802/18/2

Secy 14/2/28 (Joint Secretary) 17/2

20 X Who are ~~Mr~~ Mr Reads that note A & B & why did they not note that besides V.P. temple was also concerned in the case that being quite a different issue? A public institution for the Muzrai means an institution for the public which a temple, mosque or church is not. Law Secy may also be consulted.

(See under Secy has also noted to note 1.)

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

4550827 p827 32857

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the matter had been saved, how to proceed now has to be noted.

Lee
19/2

Lawson

21 I have carefully thought over the matter & come to the conclusion that G.O has to be ~~rescinded~~ altered & fresh G.O issued. I see no reason to change my opinion.

L.S.G.Rn
This does not call for any remark — Encl Secy with Compts
Please see Sullivan's letter on the same subject
Rg
18/3

22 It may be that the proper order in regard to Sagatha temple may be changed but in this case the property has devolved on the Govt from the Rajah subject to certain charges the Govt has not power to dispose. The Govt will get an income from the Chatrams but out of proceeds funds There are certain temples attached to the Chatrams which have to be maintained. As the maintenance of the Chatrams have been transferred to the Govt, the maintenance of the temples has also provided for.

Dake Rao's Chatram

NOTE—Contn. sheet.

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Serial No.

7765/20/3

If the Govt cannot attend to the Mining matters. then it cannot participate in the income also. It will hence be economical to limit which may then have to be assumed by the Mining Dept.

The Law Dept may be requested to give a definite opinion on the suggestion made Considerations

First Member 15/3

23 Yes & please be good enough to reply to A also

20/3/20

Law Secy 21/3

24 From the materials available it appears that the Chattram is the private property endowed to the public & was handed over to the Local Fund Committee (vide 7x). It devolved on the Taluq Bd after their abolition & the management was taken over by the DC Bd. The DC Bd constitutes in law a trustee for the management of the properties

Under Sec 49 of the DC Bds Regn, the Bd may undertake construction, repairs & maintenance of Govt buildings & the cost ~~thereof~~ shall be defrayed by Govt

NOTE—Contn. sheet.

VD 0324—GPB—60,000—24-5-27

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Beyond this, this Statutory body is not empowered to undertake any of the duties of a trustee in connection with any property. There is no authority for the position that the funds of the Bd can be used for repairs, construction or maintenance of any Charitable ~~building~~ endowed institute.

I am therefore of opinion that the Bd Bd cannot use any of its funds for the upkeep of this institution

Gen [illegible] 24-3-28
with Compts

In view of the above opinion the Dist Bd can neither maintain the temple from their funds nor act as trustee. They will have therefore to hand over to the Hindu Religious Endowments Dept and the Govt has to be consulted as to whether this can be taken over by Govt Dept

(for Chief Secretary)

Ref Sates by Clerk that Speer recalls note such things. The matter was missed by all as it was not noted

82 72
5/4

Explanatory note also put up separately

Branch to put up in note as directed by the Member in charge

Draft for Govt signature is also put up

Draft for Govt signature is also put up

Govt may consider suggested — Please also draft a letter to D.B. as suggested by Lawrence for Govt

NOTE—Contn. sheet

WD 0824—GPB—60,000—24-5-27.

3285

App. E. III—2]

General and Revenue Secretariat. File No. 77 of 192 7

Serial No.

28

Subn with two drafts.

Ear
27/4 6284

~~Records of the Superintendent should be put~~

89-1-2
1/5

up to be sent for orders whether the file itself may not be sent up to the Mysg: Govt. as he will then be in possession of all the facts concerning Mr Dadeeba's charities to enable him to give his opinion on the proposed transfer of the management of the charities to his department.

Ear
29/4/28 First Member 30/4.

30

Ker
1/5/28

31 Forwarded to the Mysore Govt in Hyde for favr of opinion on the point raised above

By order,
2nd May 1928 for Secretary/Asst Secy

No. C 11/28 & 11.5.28

32 Returned with enclosures

Ker Noted. Practically an

NOTE—Contn. sheet

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE
No. Recy
MAY 3 1928

WD 0324—GPB—60,000—24-5-27

~~L328~~ L3285

App. F. III—2]

General and Revenue Secretariat. L13 File No. 77 of 192 7

Serial No.

Is enquire the Chairman as such and that it is an endowment & the temple the income being utilized for their benefit. I have no objection to the same being allowed provided ~~they~~ we are at liberty to rent the building and utilize the income solely for the purposes of the temple and the St Board claims no share of the income.

Political Secy
Home Comm
19.5.25

AS. 19/5

RB
11/5/25

9-6-25 33 Secy (Revenue) 11/5

Draft accordingly
Legislative Law Secy

34 Law 14/5

Draft submitted
Secy 16/5/25.

35 Revenue Secy Mr Draft as

NOTE—Contn. sheet.

WD 0324—GPB—60.000—24-5-27

19/5

L 3285

App. F. III—2]

General and Revenue Secretariat. File No. 77 of 1927

Serial No.

36 Subd with typed draft

Draft 22/5 Lehm Rees)

37 Draft may be appd 25/5

Govt Sent with Compts.

29 MAY 1928 No. 6953

Mr. Memon 26/5/28

31/5/28 Part-Memon

30.5.28

30/5/28

38.

4 To, The President, Dist. Bd. Kolaba, the Murgai Commr, the S. C. Kolaba and the Comptroller to Govt

Passed orders in re to the taking over the management of the Chakiam and temple built by Mr. Dada Rao at Chintamani by the Murgai Department, instead of the management thereof by the Local Fund Committee as hitherto

28.6.28

NOTE—Contn. sheet.

3285 L
19-1-28

No. OC 5074
Encs. 26-27

OFFICE OF THE PRESIDENT DISTRICT BOARD.
KOLAR DISTRICT.

Dated, Kolar, the 6th January *19* 28

From

C. B. Gopala Rao, Esquire,
President, District Board, KOLAR

OFFICE OF THE DEPUTY COMMISSIONER
7 JAN. 1928
GI. No 7001
KOLAR.

To

R.RANGA RAO, ESQUIRE, B.A.,B.L.,
SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL Department, BANGALORE.

(THE DEPUTY COMMISSIONER, KOLAR DISTRICT)

Thro,

Sir,

B377-25-3

With reference to your letter No.L.3003 L.B. 77-27-2 dated the 25th November 1927 stating that under the District Board Regulation, the funds of the Local Boards cannot be utilised for the benefit of a Muzrai institution, I have the honour to state that the late Mr. Dade Rao's chattram with the private temples attached thereto came under the management of the Board in the year 1893 and a sweeper was entertained therefor in G.O.No.2079 34 L.F.345-92 dated the 15th June 1893.

2. The taking over of the whole building entailed on the Board the responsibility to see that the private temples founded by the founder were maintained as originally designed by him; but during the period the temples have gradually fallen into neglect for want of monetary support

3. With a ~~xix~~ view to give effect to the wishes of the deceased founder and to maintain the temples in an efficient working order, it is recommended that ½ the amount raised from the rents of the premises may be assigned to the ~~temples~~ temples.

4. The Government have in their order No.8767- 81B146/5 dated the 8th June 1927 sanctioned the assignment of a quarter of the Sugatur Market collections to the local muzrai temple and on the same analogy it is recommended that the present proposal may be sanctioned. Such assign-

assignments from Local Boards have been in vogue is evidenced from the fact that the printed budget forms of local bodies prescribed by the Government provides for contribution to the Yoga Narasimhaswami temple at Gorur.

5. I solicit the favour of sanction at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

C S Gopalarao

President,
District Board, Kolar.

Ge 7001/27-28.

Memo

Forwarded with Compliments.

Kolar 9.1.28

For Deputy Commissioner
Kolar Dt.

Proceedings of the Govt. of His Highness the Maharaja of Mysore.

LB 77-27-4.

Read :-

G.O.No.20791-3/L.F.345-92 dated 14th June 1893 sanctioning the proposal of the Local Fund Board to take over under their management the chattram built at Chintamani by Mr.Dada Rao at his own cost and to appoint thereto a care-taker on a salary of Rs.4 a month on the distinct understanding that the building is made over to the Local Fund Committee.

2. Correspondence ending with letter No.O.C.507/26-27 dated 6th January 1926 from the President. District Board.Kolar. reporting the circumstances under which he recommends that half the amount raised from the rents of the chattram may be assigned to the temples.

Order No.L.8595-8.

Dated, Bangalore, the 2nd June 28

The facts of the case are as follows:- There is a chattram built by Mr.Dada Rao in front of the Taluk Office at Chintamani and the realisations in the form of rent therefrom were utlised for the puja of certain dieties installed by the gentleman ~~closeby.~~ close by. Later the buildings became dilapidated and untenanted. As a result services in the temple ceased, ~~As~~ And the chattram was transferred to the L.F.Deptt in June 1893 for maintenance, the Taluk

Taluk Board Chintamani was in charge of the Buildings until the Taluk Board ceased to work, when the District Board, Kolar took charge of the Chattram. It is reported that the District Board spent a large sum of money for the Chattram repairs and rented it out. Half the monthly realisations therefrom is now proposed by the Board to be spent on certain services in the temple. Under the District Board Regulation a District Board cannot undertake any of the duties of a trustee ~~in connection with any property and cannot~~ of contribute towards repairs, construction or maintenance of, any property belonging to a charitable institution. The Board has asked that on the analogy of the assignment allowed to the Sugatur temple of a portion of the chandy collection, ~~that~~ their proposal to grant a portion of the chattram realisation to the temples therein may be sanctioned.

In view of the legal opinion now furnished the ~~assignment~~ in question is ~~also~~ cancelled. In regard to the chattram ~~in~~ at Chintamani question, the Muzrai Commissioner has no objection to take over the mangement of the temple and chattram if the Department is permitted to rent the building and utilise the income solely for the purposes of the temples.

The chattram may accordingly be handed over to the Department so that the object of the trust may be fulfilled. The rent realised will be devoted ~~to~~

solely for the use of the temples.

RT 26/5/18

~~For~~ General Secretary to Govt.

To

The President, District Board, Kolar
through the Deputy Commissioner,
Kolar.
The Deputy Commissioner, Kolar Dt.
The Comptroller to Government.
The Muzrai Comr.